

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VERSATA DEVELOPMENT GROUP, INC.,
AND VERSATA SOFTWARE, INC.,

Plaintiffs,

v.

SEARS, ROEBUCK AND CO., LANDS'
END, INC., KMART HOLDING
CORPORATION, AND KMART.COM,
LLC.,

Defendants.

Civil Action No. 6:06-cv-325 (LED)

JURY DEMANDED

STIPULATION AND ORDER OF DISMISSAL

Defendants, Sears, Roebuck And Co., Lands' End, Inc., Kmart Holding Corporation, and Kmart.Com, LLC. and Plaintiffs Versata Development Group, Inc. and Versata Software, Inc., hereby stipulate by and between the parties, by their undersigned attorneys, that this action may be dismissed with prejudice and without costs.

Dated: July 17, 2007

Respectfully Submitted,

By: /s/ John C. Hardy, with permission
By Michael E. Jones

John C. Hardy
State Bar No. 08992500
HARDY & ATHERTON, P.C.
909 ESE E. Loop 323, Suite 750
Tyler, Texas 75701
(903) 561-8400
(903) 561-8228

By: /s/ Michael E. Jones

MICHAEL E. JONES
State Bar No. 10929400
J. MATT ROWAN
State Bar No. 24033137
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P.O. Box 359
Tyler, Texas 75710
(903) 597 8311
(903) 593 0846 (Facsimile)
mikejones@potterminton.com
mattrowan@potterminton.com

DONALD C. TEMPLIN
State Bar No. 19771500
Don.templin@haynesboone.com
Theodore G. Baroody
State Bar No. 01797550
Ted.baroody@haynesboone.com
HAYNES & BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214.651.5000
Telecopier: 214.651.5940

ATTORNEYS FOR PLAINTIFFS
VERSATA DEVELOPMENT
GROUP, INC. and
VERSATA SOFTWARE, INC.

Dane Drobny (pro hac vice)
Brian Werner (pro hac vice)
Winston & Strawn, LLP.
35 W. Wacker Dr.
Chicago, IL. 60601
(312) 558-5600
(312) 558-5700 (Facsimile)
ddrobny@winston.com
bwerner@winston.com

ATTORNEYS FOR DEFENDANTS,
SEARS, ROEBUCK AND CO., LANDS'END,
INC., KMART HOLDING CORPORATION, AND
KMART.COM, LLC.

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record who are deemed to have consented to electronic service are being served this 17th day of July 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by first class mail on this same date.

/s/ Michael E. Jones